SUPREME COURT, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

October Term, 1975

No. 75-453

NATIONAL ALLIANCE OF POSTAL
AND FEDERAL EMPLOYEES,
Petitioner,

v.

E. T. KLASSEN,
POSTMASTER GENERAL OF THE UNITED STATES,
P. G. NASH, GENERAL COUNSEL OF THE
NATIONAL LABOR RELATIONS BOARD,
AND THE
NATIONAL ASSOCIATION OF LETTER CARRIERS, AFL-CIO,
Respondents.

On Petition for Writ of Certiorari to the United States
Court of Appeals for the District of Columbia Circuit

MEMORANDUM FOR NATIONAL ASSOCIATION OF LETTER CARRIERS IN OPPOSITION

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THE CASILLAS PRESS, INC.—1717 K Street, N. W.—Washington, D. C.—223-1220

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Petitioner contends, in effect, that Congress intended that upon termination of a two year "transitional period", collective bargaining with the recognized unions in the Postal Service must come to a screeching halt, until such time as the National Labor Relations Board, *sua sponte*, in the absence of any "case" (P.R.A. §1202; Pet. 70), or any "petition" filed in accordance with §1203(c) and supported by the 30 percent showing of employee interest required by §1203(d), upon which a hearing could be held (Pet. 71-72), conducts elections in units which the Board,

presumably by sheer *ipse dixit*, decides are appropriate (Pet. 44, n. 5, second sentence). The absurdity of the proposition suggests that wish was father to the thought.

Alternatively, the petition may be regarded as an attempt at circumventing the bar against judicial review of the Board's decision in *United States Postal Service*, 208 NLRB 948 (1974), dismissing petitioner's representation petitions on the ground that the units therein requested are inappropriate (Pet. 43-44). In light of the opinions below and in *National Postal Union v. Blount*, 341 F. Supp. 370 (D.D.C.), aff'd mem. sub nom., *National Association of Letter Carriers, AFL-CIO, v. National Alliance of Postal and Federal Employees*, 409 U.S. 808, the petition should be dismissed as frivolous.

Respectfully submitted,

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